

Exhibit F

DEPOSITION OF LIEUTENANT MARK ORMSBY

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

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AG.G. a minor, by and through)
his guardian ad litem, JESSICA)
AQUINO; AR.G., a minor, by and)
through his guardian ad litem,)
JESSICA AQUINO; KARLA GONSALEZ)
individually; and AUGUSTIN)
GONSALEZ, JR., individually,)
)
)
Plaintiffs,)
)
)
vs.) CASE NO.: 4:19-cv-00697 DMR
)
)
CITY OF HAYWARD, a municipal)
corporation; MARK KOLLER,)
individually; PHILLIP WOOLEY,)
individually; MICHAEL CLARK,)
individually; TASHA DECOSTA,)
individually; and DOES 1-100,)
inclusive,)
)
Defendants.)
_____)

CERTIFIED COPY

DEPOSITION OF LIEUTENANT MARK ORMSBY - PMK

MONDAY, JANUARY 27, 2020

REPORTED BY: KELLY L. MCKISSACK, CSR #13430

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DEPOSITION OF LIEUTENANT MARK ORMSBY

5 EXAMINATION
6 BY MR. NISENBAUM: Q. Can you please state and spell
7 your name.

8 A. Yes. Mark Ormsby, M-A-R-K, O-R-M-S-B-Y.

9 Q. And what is your current occupation?

10 A. Police officer.

11 Q. It's my understanding that you're a
12 lieutenant; is that correct?

13 A. Correct.

14 Q. Okay. And I'm going to -- well, I won't
15 attach it. I'll just read it. You've been produced by
16 the defense in connection with Plaintiffs' deposition
17 notice as a, "person most knowledgeable pursuant to FRCP
18 30(b)(6) regarding all policies, procedures and training
19 of Hayward Police Department officers in using
20 deescalations," misspelling there with the S, "tactics
21 against subjects who they are responding to."

22 Is that your understanding?

23 A. Yes.

Q. Okay. And could you briefly -- and I think your -- put you down twice. In any event, sorry about

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1 that.

2 A. That's all right.

3 Q. Can you briefly state the basis of your
4 qualifications?

5 A. Sure. I've been tasked around in 2015 to come
6 up with a course that the Police Executive Research
7 Forum was putting out. It's called Integrating
8 Communications and Tactics. And there were six modules
9 within this training. And part of this training was
10 working with individuals that potentially had
11 emotionally disturbed behavior.

12 And so I worked through the training material
13 and presented the course over a period of three or four
14 months in 2016. And then we've had some refresher
15 courses since then.

16 Q. Have you presented the refresher courses as
17 well?

18 A. I have.

19 Q. So when you say you presented, you're
20 basically like the lead instructor?

21 A. Correct.

22 Q. All right. And is every Hayward police
23 officer required to attend this course?

24 A. They are. One thing I'll note is that after
25 teaching this class I went to our personnel in training

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1 and suggested that we put at least an introductory block
2 to all of our in-house academy. So anybody who either
3 is coming over as a lateral police officer or who
4 recently graduated from the academy is given a two-hour
5 block on this PowerPoint.

6 Q. Right.

7 A. But it's an abbreviated version of it.

8 Q. I understand. Now, James, can you get me a
9 stapler?

10 MR. COOK: Oh, yeah. Okay. Got you.

11 BY MR. NISENBAUM: Q. Now, the training is that --
12 well, strike that.

13 Do you have any role in making policy at the
14 Hayward Police Department?

15 A. Only in the sense that I've made
16 recommendations to our policy. But not actually
17 drafting policy.

18 Q. Okay. Do you know whether or not the training
19 that's provided is required to be followed by police
20 officers?

21 A. Yeah. I mean, I guess I'd say yes. You know,
22 it's kind of the standard. And not policy, but there's,
23 like, our practice if that makes sense.

24 Q. Okay. In other words, you provide the
25 training and officers are required to follow the

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I hereby declare I am the deponent in the
within matter; that I have read the foregoing deposition
and know the contents thereof, and I declare that the
same is true of my knowledge except as to the matters
which are therein stated upon my information or belief,
and as to those matters, I believe them to be true.

I declare under the penalties of perjury of the
State of California that the foregoing is true and
correct.

Executed this _____ day of _____,
20____, at _____.
(City) _____ (State) _____.

MARK ORMSBY

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STATE OF CALIFORNIA)
) ss.
COUNTY OF ALAMEDA)

I hereby certify that the witness, Mark Ormsby, in the foregoing deposition appeared before me, Kelly McKissack, a Certified Shorthand Reporter and a disinterested person.

Said witness was then and there at the time and place previously stated by me placed under oath to tell the truth, the whole truth and nothing but the truth in the testimony given on the date of the within deposition; that the deposition is a true record of the witness' testimony as reported by me.

The testimony of the witness and all questions and remarks requested by Counsel was reported under my direction and control, caused to be transcribed into typewritten form by means of Computer-Aided Transcription.

I am a Certified Shorthand Reporter licensed by the State of California, and I further certify that I am not interested in the outcome of the said action, nor connected with, nor related to any of the parties in said action, nor to their respective counsel. I am not of counsel or attorney for either or any of the parties to the case named in the within caption.

IN WITNESS WHEREOF, I have hereunto affixed my
signature this 10th day of February, 2020

/s/Kelly McKissack

Kelly McKissack
Certified Shorthand Reporter
California License No. 13430

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1 WITNESS LETTER

2 TO: Lt. Mark Ormsby Date: 03.06.20
c/o Michael G. Vigilia, Sr. Asst. City Attorney
3 CITY OF HAYWARD Depo: 01.27.20
777 B Street Ref. #20012703A
4 Hayward, CA 94541

5 RE: AG.G...J.Aquino; K.Gonsalez v. City of Hayward, et al.

6 Dear Lt. Ormsby:

7 Please be advised that the transcript of your
8 deposition taken in the above matter has been completed
and is now available at this office for your reading and
signing.

9 Please contact our office between the hours of 9:30
a.m. and 5:00 p.m. Monday-Friday, to schedule an
10 appointment. Or, if you prefer, contact the attorney to
review and sign the copy of your deposition under penalty
11 of perjury.

12 Read the transcript making any changes necessary.
In making any changes, please use the following guide:

- 13 1. DO NOT WRITE on the original transcript.
- 14 2. SIGN UNDER PENALTY OF PERJURY at the end of the
Deposition on the Certificate of Witness Page.
- 15 3. List each change on the Deposition Errata Sheet
following this page. Signature is required at
the bottom of the Errata Sheet.
- 16 4. Forward the signed Certificate of Witness Page
and signed Errata Sheet in addition to a copy of
this letter to:

17 Barbara J. Butler & Associates
Certified Court Reporters
18 P.O. Box 3508, Santa Clara, CA 95055
(510) 832-8853 or (408) 248-2885.

19 Upon receipt of items requested in this letter, I
will forward copies of same to all Counsel.

20 In the event you have not reviewed your deposition
within 35 days or by trial date, whichever is sooner, the
21 original transcript will be sealed pursuant to applicable
laws and thereafter mailed to the deposing attorney.

22 Sincerely,

23 /s/Barbara J. Butler
24 Barbara J. Butler, CSR

25 cc: All Counsel